

ARMOR CLASS ACTION I

IF YOU PURCHASED AN AMERICAN BODY ARMOR™, SAFARILAND®, or PROTECH™ ZYLON®-CONTAINING VEST ON OR BEFORE AUGUST 12, 2004, PLEASE READ THE NOTICE BELOW, IT EFFECTS YOUR RIGHTS

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT IN AND FOR DUVAL COUNTY, FLORIDA

**SOUTHERN STATES POLICE BENEVOLENT
ASSOCIATION, INC., TOBY DARBY, DAVID
HIGGINS, JEFF T. NEWTON, SEAN RILEY,
JASON ROSS and KEITH R. SOBOLESKI, On
Behalf of Themselves And All Others Similarly
Situated,**

Plaintiffs,

vs.

**ARMORHOLDINGS, INC., ARMORHOLDINGS
PRODUCTS, LLC., PRO-TECH ARMORED
PRODUCTS OF MASSACHUSETTS, INC., and
SAFARI LAND LTD., INC.**

Defendants.

**CLASS REPRESENTATION
CASE NO. 2004-2942CA
DIVISION CV-E**

**CONSOLIDATED WITH CLASS
REPRESENTATION CASE NO.
2005-CA-005925**

**HON. BERNARD NACHMAN
CIRCUIT COURT JUDGE**

NOTICE OF FAIRNESS HEARING ON SUPPLEMENTAL RELIEF PROGRAM

TO: All law enforcement personnel and organizations, and other individuals who purchased new ballistic resistant soft body armor (vests) containing Zylon® from Armor Holdings, Inc., Armor Holdings Products, LLC, American Body Armor™ ("ABA"), Pro-Tech Armored Products of Massachusetts, Inc. ("Protech™"), Safari Land Ltd., Inc. ("Safariland®") or any of their subsidiaries or affiliated entities (collectively "Armor Holdings" or "Defendants"), [on or before August 12, 2004] excluding federal agencies and any persons who were physically injured as a result of alleged defects in the vests ("the Class").

A lawsuit was previously filed in this court involving claims by the above named Plaintiffs that certain ballistic resistant soft body armor (vests) containing Zylon® manufactured by Defendants fail to meet the warranties provided with the vests.

On or about August 11, 2004, Plaintiffs and Defendants entered into a Stipulation of Settlement. In general terms¹, the Stipulation of Settlement provided for the certification of a class (the "Class") of purchasers of the Zylon®-containing vests manufactured by Defendants; provided that Class members having certain models of Zylon®-containing vests could exchange those vests for other vests manufactured by Defendants (the "Exchange Program"); provided that Defendants would institute a testing program for Zylon®-containing vests that were not initially subject to the Exchange Program; and provided that if testing revealed that other Zylon®-containing vests would not meet the warranties provided with the vests, the Class members who had purchased those vests would be provided with relief on a reasonably comparable basis to the Exchange Program.

On September 30, 2004, the Court entered an Agreed Final Order And Judgment² providing final certification of the Class and final approval of the Stipulation of Settlement as to the Class members who had been provided with notice. On November 5, 2004, the court entered an Agreed Supplemental Final Order And Judgment³,

¹ The statement of the general terms of the Stipulation is provided here for background only, in order that the other parts of this Notice are placed in context.

² The statement regarding the content of the Agreed Final Order And Judgment is provided for purposes of background only.

³ The statement regarding the content of the Agreed Supplemental Final Order And Judgment is provided for purposes of background only.

providing final approval of the Stipulation of Settlement as to the Class members who had not initially been provided with notice but who were subsequently provided with notice.

The Settlement, as approved by the Court, has proceeded.

The purpose of this notice is to provide information concerning a Supplemental Relief Program that, if approved by the Court, will provide benefits, as described below, to the members of the Class who are eligible to participate.

The NIJ Report

On August 24, 2005, the United States Department of Justice, National Institute of Justice, released its *Third Status Report to the Attorney General on Body Armor Safety Initiative Testing and Activities* ("Third NIJ Report"). The Third NIJ Report contains substantial documentation, scientific information and additional testing data on Zylon®-containing vests. In a release that accompanied issuance of the Third NIJ Report, the NIJ stated that it has identified Zylon® "as a material that appears to create a risk of death or serious bodily injury as a result of degraded ballistic performance when used in body armor." Consequently, all Zylon®-containing vests have been de-certified by the NIJ.

Supplemental Relief Relating To Remaining Zylon®-Containing Vests

As a result of the actions of the NIJ, the parties have agreed that supplemental relief should be provided to those Class members owning Zylon®-containing vests that were not subject to the Exchange Program, as well as to those Class members who obtained a Zylon®-containing vest in the Exchange Program, as described below. (This program of supplemental relief is hereinafter referred to as the "Supplemental Relief Program." The Class members described above are the Class members eligible to participate in the Supplemental Relief Program ("Eligible Class Members")).

Supplemental Relief Program -- The Eligible Class Members shall be entitled to choose one of the options set out below.

A. Cash Option - The Eligible Class shall be entitled to a cash payment from Defendants, if and only if, as follows:

1. Upon (a) submitting *definitive* proof of purchase (receipt, cancelled check, credit card receipt or other credible evidence showing actual purchase price paid for the vest), and (b) the return of both the front and back vest panels, an Eligible Class Member whose Zylon®-containing vest was purchased **on or after August 13, 2004 through August 29, 2005**, shall be entitled to a cash payment of 100% of the purchase price.
2. Upon (a) submitting *definitive* proof of purchase (receipt, cancelled check, credit card receipt or other credible evidence showing actual purchase price paid for the vest), and (b) the return of both the front and back vest panels, an Eligible Class Member whose Zylon®-containing vest was purchased **on or after August 13, 2003 through August 12, 2004**, shall be entitled to a cash payment of 80% of the purchase price.
3. Upon (a) submitting *definitive* proof of purchase (receipt, cancelled check, credit card receipt or other credible evidence showing the actual purchase price of the vest), and (b) the return of both the front and back vest panels, an Eligible Class Member whose Zylon®-containing vest was purchased **on or after August 13, 2002 through August 12, 2003**, shall be entitled to a cash payment of 60% of the purchase price.
4. Upon (a) submitting *definitive* proof of purchase (receipt, cancelled check, credit card receipt or other credible evidence showing actual purchase price of the vest), and (b) the return of both the front and back vest panels, an Eligible Class Member whose Zylon®-containing vest was purchased **on or before August 13, 2000 through August 12, 2002**, shall be entitled to a cash payment of 50% of the purchase price.

B. Voucher Option - Upon (a) submitting *reasonable* proof of purchase (reasonable proof includes anything that constitutes *definitive* proof and also includes other proof such as a purchase order, or sales record, or an Eligible Class Member showing his or her vest to the distributor and obtaining confirmation from

the distributor reasonably acceptable to the Defendants as to purchase price), and (b) the return of both the front and back vest panels (the panels will not need to be returned prior to Eligible Class Members receiving their replacement vests), Eligible Class Members, including Eligible Class Members who have received a Zylon replacement vest pursuant to the first Exchange Program, shall be entitled to a voucher equal to the full purchase price paid for their original vest, regardless of the original purchase date. If, however, an Eligible Class Member produces his or her vest, but has no other proof of purchase, then the Defendants shall confer with the distributor to determine the price paid for the vest for purposes of assigning a value to that Eligible Class Member's voucher. These vouchers will be redeemable through any authorized distributor of Defendants for the purchase of any product manufactured by Defendants and sold through its authorized distributors. These vouchers expire one year from the date Defendants have five ballistic resistant concealable soft body armor models deemed to comply with the NIJ 2005 Interim Requirements (i.e., NIJ Notices of Compliance are issued by the NIJ for five such models), or January 1, 2007, whichever is later. The Defendants will work with their distributors to provide a process whereby Eligible Class Members will not be required to pay for their replacement vests prior to receiving their vouchers.

FAIRNESS HEARING

The Court will hold a hearing in Courtroom One, Duval County Courthouse, 330 East Bay Street, Jacksonville Florida at **2:00 p.m. on October 27, 2005**, to hear any objections to Supplemental Relief Program and to make a final determination as to whether to approve the Supplemental Relief Program as fair, adequate and reasonable under the facts and circumstances ("Fairness Hearing").

At the Fairness Hearing, the Court will also consider a request by counsel for named Plaintiffs and the Class for an award of attorney fees and expenses to be paid by Defendants. Plaintiffs' Counsels' fees and expenses may only be awarded after the Court has determined such fees and expenses are fair and reasonable. Payment of any such award, if approved, will not impact the Supplemental Relief Program.

YOU HAVE A RIGHT TO PARTICIPATE IN THE SUPPLEMENTAL RELIEF PROGRAM OR TO OBJECT TO THE SUPPLEMENTAL RELIEF PROGRAM. INSTRUCTIONS FOR PARTICIPATING IN THE SUPPLEMENTAL RELIEF PROGRAM OR OBJECTING TO THE SUPPLEMENTAL RELIEF PROGRAM ARE CONTAINED IN THE ENCLOSED *ZYLON VEST EXCHANGE REGISTRATION & CLAIM FORM*.

RIGHT TO MAKE APPEARANCE

You have a right to make an appearance at the Fairness Hearing by yourself or through your own attorney. Attendance at the hearing is not necessary; however, Class members wishing to be heard orally in opposition to the Supplemental Relief Program should indicate in their written objection their intention to appear at the hearing. Class members who support the Supplemental Relief Program do not need to appear at the hearing or take any other action to indicate their approval, but must complete and submit a Claim Form by **December 1, 2005** to participate in the Supplemental Relief Program and receive benefits.

FURTHER PROCEEDINGS

If the Supplemental Relief Program is not approved, the parties will remain in the same position as they were prior to the Fairness Hearing.

ADDITIONAL INFORMATION

Any questions you have about the matters in this notice should NOT be directed to the Court, but may be directed in writing to:

Lead Class Counsel:

W. Pitts Carr, Esq.
CARR, TABB & POPE, LLP
10 North Parkway Square
4200 Northside Parkway, NW
Atlanta, Georgia 30327

Armor Class Action I

Defendants' Lead Counsel:

Richard W. Hosking, Esq.
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM, LLP
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312

You may, of course, seek the advice and guidance of your own attorney if you desire. The pleadings and other records in this litigation, including a complete copy of the Stipulation of Settlement and Agreed Order Regarding Fairness Hearing on Supplemental Relief Program may be examined and copied at any time during regular office hours at:

Office of the Clerk of Court
Circuit Court of Duval County, Florida
330 East Bay Street, Room 103
Jacksonville, Florida 32202

ZYLON VEST EXCHANGE REGISTRATION & CLAIM FORM ("Claim Form")

A Claim Form is enclosed. To participate in the Supplemental Relief Program or to object to the Supplemental Relief Program, follow the instructions in the Claim Form. The Claim Form is also available for downloading and may be submitted online at www.bodyarmor.com/zylon.

REMINDER OF TIME LIMITS

If you wish to participate in this Supplemental Relief Program you must: (a) complete and submit a Claim Form online at www.bodyarmor.com/zylon, on or before **December 1, 2005**; **OR** (b) complete and fax a Claim Form on or before **December 1, 2005** to the Claims Administrator at 1-800-716-9829; **OR** (c) complete and submit a Claim Form to the Claims Administrator by mail, postmarked on or before **December 1, 2005** addressed to:

ARMOR CLASS ACTION I
Claims Administrator
P.O. Box 466
Traverse City, Michigan 49685-0466
Telephone: (866) 815-2914
Facsimile (800) 716-9829

If you wish to object to the Supplemental Relief Program, you must file your written objection with the Clerk of Court by mail at the address below, postmarked on or before **October 21, 2005** and mail a copy to Lead Class Counsel at the address above.

Class members adversely affected by Hurricane Katrina and its aftermath in parts of Alabama, Louisiana or Mississippi, shall not be bound by the time limits above and should contact the Claims Administrator at the earliest practicable time for assistance.

This Notice is issued pursuant to the Preliminary Approval Order issued by the Honorable Bernard Nachman, Circuit Judge, dated August 31, 2005.

Office of the Clerk of Court
Circuit Court of Duval County, Florida
330 East Bay Street, Room 103
Jacksonville, Florida 32202